



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Asgharian, Bahram

Serial No.: 10/007,423

Confirmation No.: 93767

Filed: October 22, 2001

Examiner: Jastrzab, Krisanne Marie

Group Art Unit: 1744

For: USE OF LOW MOLECULAR WEIGHT  
AMINO ALCOHOLS IN  
OPHTHALMIC COMPOSITIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Mailing Label No. EV 484 447 502 US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Date: January 27, 2005

Name: Deborah Weinschenk

Signature: Deborah Weinschenk

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Alcon Manufacturing, Ltd. is the owner of the entire interest in the above-identified patent application and related United States Patent No. 6,319,464. The title history of the present application and the above-cited patent is demonstrated by the attached assignment documents and associated notices of recordation. The relationship of the present application to the above-cited patent is explained below

The present application is a continuation of application Serial No. 09/308,456 (now U.S. Patent No. 6,319,464). The '464 patent and the present application claim priority based on international application Serial No., PCT/US97/20826, which was filed on November 17, 1997, and U.S. provisional application Serial No. 60/033,079 filed on December 13, 1996.

As demonstrated by the attached documents, the present application and related applications/patent identified above were originally owned by Alcon Laboratories, Inc., and are now owned by Alcon Manufacturing, Ltd.

Alcon Manufacturing, Ltd. (hereinafter referred to as "AML") hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently

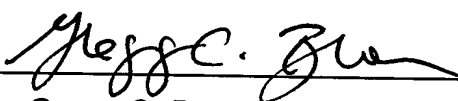
shortened by any terminal disclaimer, of U.S. Patent No. 6,319,464 (referred to hereinafter as the "Prior Patent"). AML hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, AML does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of either of the Prior Patent, as presently shortened by any terminal disclaimer, in the event that the Prior Patent subsequently: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
ALCON MANUFACTURING, LTD.

Date 1/27/05

By   
Gregg C. Brown  
Registration No. 30,613

Attachments

1. Assignment of USSN 09/308,456, recorded at Reel 010037, Frame 0848
2. Notice of Recordation for USSN 09/308,456
3. Assignment from Alcon Laboratories, Inc. to Alcon Manufacturing, Ltd., recorded at Reel 011667, Frame 0559
4. Notice of Recordation of Assignment from Alcon Laboratories, Inc. to Alcon Manufacturing, Ltd.

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